


CITY OF CARLSBAD

ENGINEERING DEPARTMENT POLICY

NUMBER:	30	SUBJECT:	SUBSTANTIAL CONFORMANCE TO APPROVED TENTATIVE MAPS
EFFECTIVE:	7/5/90	APPROVED BY:	
SUPERSEDES:	1/29/87		LLOYD B. HUBBS, CITY ENGINEER

PURPOSE:

Section 66442 of the State Map Act requires that the City Engineer shall, by certificate on the final map, state "the subdivision as shown is substantially the same as it appeared on the Tentative Map and approved alterations thereof." The issue of what substantial conformance means is not defined and therefore can be interpreted in many different ways. This policy is established to provide City staff and plancheck consultants a more uniform criteria and procedure to determine substantial conformance issues.

POLICY

After City Council approval of the Tentative Map or City Engineer approval of the Tentative Parcel Map, the Engineer-of-Work must submit the original mylars or photomylars of the Tentative Map or Tentative Parcel Map incorporating any revisions or conditions imposed at the public hearing if any, for approval by the City Planning Director and City Engineer. The approved mylars or photomylars of the Tentative Map or Tentative Parcel Map will be filed in the City drawings file.

At the initial plancheck stage, the City Project Planchecker shall compare the project plans and map with the approved mylars of the Tentative Map or Tentative Parcel Map on file with the City.

All items which, in the opinion of the City Project Planchecker, are not in conformance with the approved Tentative Map on file, shall be referred in writing to the City Principal Civil Engineer - Plancheck Division with copies to:

1. City Principal Planner - Current Planning Division, Planning Department.
2. City Principal Civil Engineer - Land Use Review Division, Engineering Department.

Some of the criteria which would establish non-conformance are as follows:

NOTE: The following criteria are meant to flag substantial conformance only! The actual determination of substantial conformance will be made by the City Principal Civil Engineer - Plancheck Division or City Engineer.

1. Pad elevations on the grading plan are more than five-tenths of a foot different from pad elevations shown on the Tentative Map (City Principal Civil Engineer - Plancheck Division may approve up to three foot (3') variations).
2. The final map contains more or less units than were approved on the Tentative Map.
3. The general lot configurations shown on the Final Map differ from the approved lot configuration shown on the Tentative Map. (City Principal Civil Engineer - Plancheck Division may approve up to five-foot (5') horizontal variations provided the aggregate effect does not result in changes to the number of lots and decrease in street, easement and open space dimensions.
4. Any slope area which exceeds the slope area shown on the Tentative Map by ten percent (10%) or slope locations significantly different from the location shown on the Tentative Map.
5. The utility and storm drain alignments are changed from the approved alignments.
6. Street alignments and grades differ from the approved alignments and grades in any significant manner.
7. Street widths, or driveway and sidewalk locations vary in any manner from those shown on the Tentative Map.
8. The project plans include any additional retaining walls or other structures not shown on the Tentative Map or change in location of height of approved retaining walls or structures.
9. Any changes to the parking lot layout and design which would alter the circulation of cars and trucks.
10. Any reduction in parking lot spaces.

11. Any additional grading or construction outside the subdivision boundary or within open space areas not shown on the Tentative Map.

The City Project Planchecker will take the lead role in finding substantial conformance and coordinate his/her efforts and findings with the City Project Planner and the City Project Land Use Review Engineer. Upon recommendation from the City Project Planchecker, the City Principal Civil Engineer - Plancheck Division is authorized to approve minor variations from the approved Tentative Map or Tentative Parcel Map subject to the concurrence from the City Principal Planner - Current Planning Division, City Principal Civil Engineer - Land Use Review Division, and any affected City departments or Utility Agency. Areas where the City Principal Civil Engineer - Plancheck Division must obtain concurrence with the City Engineer and/or the City Planning Director are as follows:

1. Pad elevations on the grading plan are more than three (3) feet different from the pad elevations shown on the approved Tentative Map.
2. Any lots are added which create additional building lots.
3. The project plans contain major or numerous lot or slope reconfiguration.
4. When City Standards variance is required to accomplish the revised project.
5. City Principal Civil Engineer - Plancheck Division, City Principal Civil Engineer - Land Use Review Division and the City Principal Planner - Current Planning Division cannot agree on whether the changes are in substantial conformance or not.

A "Substantial Conformance Exhibit" is required to be submitted by the Engineer of Work to the City before the City Principal Civil Engineer - Plancheck Division or the City Engineer can find substantial conformance. The Substantial Conformance Exhibit will be submitted and checked by City staff per the "Substantial Conformance Exhibit Plancheck Submittal Checklist" (see attached). The Engineer of Work must submit the original mylars or photomylars of the "Substantial Conformance Exhibit" for City Engineer and City Planning Director approval. The approved mylars or photomylars of the approved Substantial Conformance Exhibit will be filed in the City drawings file. All subsequent plan and map checks of the project will be checked in reference to the approved Substantial Conformance Exhibit.

If the City Engineer finds an item is not in conformance with the requirements of the approved Tentative Map, the final map will not be brought forward to City Council for approval. Before the map is taken forward, the developer must do one of the following:

1. Remove the change and restore the Final Map to the requirements of the originally approved Tentative Map and any approved revisions.
2. Appeal the City Engineer's decision. Developer submits a letter of appeal to the City Clerk with the appropriate appeal fee. The matter will be set for Council review.
3. Amend the Tentative Map. Submit a revised Tentative Map with appropriate fee and application form to the Planning Department. Processing of the revision shall be in accordance with Section 20.12.120 of the Carlsbad Municipal Code. Such a revision may result in the need to revise the EIR. Any revision of the Tentative Map or EIR requires additional public hearings.